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CTIA

Building The Wireless Future.

Cellular Telecommunications Industry Association

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JUN 18 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 18, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington, D.C. 20554

**Re: In the Matter of Communications Assistance for Law Enforcement
Act, CC Docket No. 97-213, Systems Security and Integrity
Regulations**

Dear Ms. Salas:

Today, June 18, 1999, the Cellular Telecommunications Industry Association ("CTIA") hand-delivered the attached letter to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau. CTIA also hand delivered a copy of the letter to Ms. Jeanine Poltronieri, Senior Counsel, WTB, and Mr. Julius Knapp, Chief, Policy and Rules Division, OET.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter and the attachment are being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Lolita D. Smith

Attachment (1)

No. of Copies rec'd 041
List ABCDE





CTIA

Building The Wireless Future

Cellular Telecommunications Industry Association

Michael F. Altschul

Vice President/General Counsel

June 18, 1999

Mr. Thomas J. Sugrue
Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Room # 3C-252
Washington, D.C. 20554

**Re: In the Matter of Communications Assistance for Law
Enforcement Act, CC Docket No. 97-213, Systems Security and
Integrity Regulations**

Dear Mr. Sugrue:

On March 15, 1999 the Federal Communications Commission ("FCC" or "Commission") released its Report and Order regarding implementation of Section 105 of the Communications Assistance for Law Enforcement Act ("CALEA"). On March 29, 1999, the Cellular Telecommunications Industry Association ("CTIA") wrote Julius P. Knapp, Chief, Policy and Rules Division, Office of Engineering and Technology, commending the Commission for a thoughtful Order and alerting the Commission to two specific provisions that required clarification and/or modification. Recently, CTIA conducted a wiretap workshop that brought together representatives from the wireless industry. At this meeting, some additional concerns were raised. The purpose of this letter is to bring these issues to your attention. As CTIA requested in its March 29th letter, we again ask the Commission to correct the Order on its own motion.

CTIA's main concern is associated with the inadvertent public disclosure of the portion of a carrier's compliance report that includes the personal contact information and identification of each carrier's senior officer(s) or employee(s) designated as the primary contact(s) for law enforcement. See Par.25. Providing the public with access to this information is not only unnecessary, but it is also unwise. Unfortunately, permitting unrestricted public access to this information may lead to the "targeting" of the very individuals who are most responsible for instituting intercept orders. The Commission should require carriers to provide the information describing their primary contacts to the Commission under seal. The Commission should only provide access to this information in response to a *bona fide* law enforcement request.



Similarly, the Commission should afford confidential treatment to the carrier submissions regarding their policies and procedures for implementing the requirements of Section 105 of CALEA, as required by Section 229(b)(3) of the Communications Act of 1934, as amended. While this information must be submitted to the FCC for the Commission's review to ensure each carrier's compliance with the requirements of Section 229, there is nothing in the statute that requires these reports to be made available to the public. There is no legitimate need to disclose this information to the public. Indeed, a carrier's description of its internal compliance procedures may be misappropriated by those seeking to circumvent lawful surveillance orders.

CTIA believes these modifications to the Commission's normal public filing requirements are necessary to protect the individuals charged with overseeing and implementing a carrier's compliance procedures. Further, these changes will protect the integrity of carriers' procedures, which can only inure to the benefit of facilitating lawful electronic surveillance.

The Commission has the authority to make changes to the Order on its own motion. See 47 C.F.R. Section 1.108 ("The Commission may, on its own motion, set aside any action made or taken by it within 30 days from the date of public notice of such action, as that is defined in Section 1.4(b) of these rules." Section 1.4(b)(1) defines public notice as the date of Federal Register publication for documents in notice and comment rule making proceedings.) No change in the effective date of the Report and Order should be necessary as a result of the actions requested by this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Altschul", with a stylized flourish at the end.

Michael Altschul

cc: Jeanine Poltronieri, Senior Counsel, WTB
Julius Knapp, Chief, Policy and Rules Division, OET